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10 Attorneys for Defendants MARTIN C. LIN,
11 YUSHAN WANG, AKA SAMANTHA WANG,
12 and IMAGE DEVICE INC.

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN JOSE DIVISION

18 ATECH FLASH TECHNOLOGY INC. &
19 SUNUS SUNTEK INC.

20 Plaintiffs,

21 vs.

22 MARTIN C. LIN, YUSHAN WANG,
23 A.K.A. SAMANTHA WANG, and IMAGE
24 DEVICE INC.

25 Defendants.

No. C07 02949 PVT

**DECLARATION OF
JEFFREY K. LEE**

The Hon. Patricia V. Trumbull

26 I, JEFFREY K. LEE, declare as follows:

27 1. I am a member of the bar of this Court and a member of GCA Law Partners LLP
28 ("GCA" or "Withdrawing Counsel"). I make this declaration of my own knowledge and
would testify to the matters stated herein if called as a witness.

2. On or about June 26, 2007, GCA was retained by Defendants MARTIN C. LIN,
YUSHAN WANG, AKA SAMANTHA WANG, and IMAGE DEVICE INC. (collectively
referred to as "Defendants") to represent each in connection with this action.

Case No.: C07 02949 PVT
Declaration of Jeffrey K. Lee

1 3. On July 20, 2007, GCA filed on Defendants behalf, a Motion to Dismiss pursuant to
2 Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6), to dismiss the original
3 Complaint for Damages filed by plaintiffs Atech Flash Technology, Inc. and Sunus Suntek,
4 Inc.
5

6 4. After full briefing of the issues and oral argument at a September 18, 2007 hearing
7 on the motion, on September 20, 2007, the Court granted Defendants' motion, dismissing
8 the complaint for lack of subject matter jurisdiction and allowing Plaintiffs leave to amend.
9

10 5. Plaintiffs filed their First Amended Complaint on October 8, 2007.

11 6. Defendants' answer or response to the First Amended Complaint became due on or
12 by October 26, 2007.
13

14 7. This case has been referred to mediation due to be completed by December 12,
15 2007.

16 8. The Initial Case Management Conference is scheduled for December 4, 2007 with
17 initial disclosures to be exchanged and a Joint Case Management Statement and Rule 26(f)
18 report due for filing on November 27, 2007.
19

20 9. GCA notified Defendants verbally during September 2007 and in writing on
21 October 8, 2007, that it would seek to withdraw as Defendants' counsel of record.
22

23 10. GCA is seeking to withdraw, among other reasons, due to irreconcilable differences
24 over the management and direction of this litigation that make it unreasonably difficult for
25 GCA to continue to represent Defendants effectively.

26 11. On October 19, 2007, Defendants notified GCA in writing that they have retained
27 Richard Kutche, Esq. of San Jose, California as substitute counsel in this matter.
28

1 12. Notice of this application for withdrawal has been given reasonably in advance to
2 the Defendants and all other parties appearing in the case.

3
4 13. Mr. Kutche has informed me that he and Plaintiff counsel have agreed to a
5 reasonable extension of time for Defendants to file a responsive pleading addressed to the
6 First Amended Complaint.

7
8 I declare under penalty of perjury under the law of the United States of America
9 that the foregoing is true and correct.

10
11 Executed at Mountain View, California on the 23rd day of October 2007.

12
13 /s/ Jeffrey K. Lee.

14
15 Jeffrey K. Lee

CERTIFICATE OF SERVICE

The foregoing APPLICATION TO WITHDRAW AS COUNSEL OF RECORD;
MEMORANDUM OF LAW IN SUPPORT; DECLARATION OF JEFFREY K. LEE;
SUBSTITUTION OF ATTORNEY and [PROPOSED] ORDER have been filed
electronically with the Clerk of the Court this day through the Court's electronic filing
system, which will provide notice to the following E-mail recipients:

Yung Ming Chou, Esq.
39111 Paseo Padre Parkway, Suite 207
Fremont, California 94538
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In addition, the forgoing documents have been served via electronic mail on the
following:

Sue J. Stott, Esq.
Thelen Reid Brown
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Dated: October 23, 2007

GCA LAW PARTNERS LLP

By: /s/ Jeffrey K. Lee
Jeffrey K. Lee